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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/118,833 07/20/98 NISHI

T 0965-0232P-S

IM22/1029  
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EXAMINER

CREPEAU, J

ART UNIT

PAPER NUMBER

1745

DATE MAILED:

10/29/99

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trad marks**

# Office Action Summary

Application No.  
09/118,833

Applicant(s)

Nishi et al

Examiner  
Jonathan Crepeau

Group Art Unit  
1745



☒ Responsive to communication(s) filed on Jul 20, 1998

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claims

☒ Claim(s) 1-3 is/are pending in the application.

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

☐ Claim(s) \_\_\_\_\_ is/are allowed.

☒ Claim(s) 1-3 is/are rejected.

☐ Claim(s) \_\_\_\_\_ is/are objected to.

☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☒ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been

☒ received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

☐ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 34

☐ Interview Summary, PTO-413

☒ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1 and 2 are rejected under 35 U.S.C. 102(b) as being anticipated by Soma et al (U.S. Pat. 5,411,767). Soma et al teach a solid electrolyte type fuel battery having an interconnector comprising a material having the formula  $ABO_3$ , wherein A is preferably Ca, Ba, or Sr, and B is preferably Ti (see column 5, lines 13-38).

Thus, the instant claims are anticipated.

### *Claim Rejections - 35 USC § 103*

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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4. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Soma et al.

The reference is applied to claims 1 and 2 for the reasons stated in the rejection above.

The reference does not explicitly teach that the current passage of the interconnector is current collection in the vertical direction.

However, the invention as a whole would have been obvious to one of ordinary skill in the art at the time the invention was made because the direction of current collection is a design choice that may be manipulated according to the needs of the artisan. From Figs. 1 and 2 of the reference, it is apparent that current could be collected in the "vertical" direction. Even so, the "vertical direction" of the series-connected fuel cells may be an arbitrary direction, depending on the orientation of the fuel cells. Thus, the artisan may adjust the orientation of stack to suit a particular application, resulting in current collection in the "vertical" direction.

### ***Conclusion***

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jonathan Crepeau whose telephone number is (703) 305-0051. The examiner can normally be reached Monday-Friday from 9:30 AM - 6:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Maria Nuzzolillo, can be reached at (703) 305-3776 from Monday-Thursday. The phone number for the organization where this application or proceeding is assigned is (703) 305-5900.

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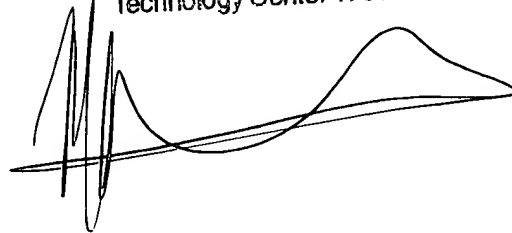
Documents may be faxed to (703) 306-3429. The official fax number for documents of extreme importance is (703) 305-3599 (it will take longer to receive documents faxed to this number; therefore the first number is preferred).

Any inquiry of general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.

JSC

October 25, 1999

Maria Nuzzolillo  
Supervisory Patent Examiner  
Technology Center 1700

A handwritten signature in dark ink, consisting of several vertical strokes followed by a large, sweeping loop that extends to the right.